



Agenda

Naples City Planning and Zoning Commission

September 16, 2021 at 7:30 p.m.
Naples City Council Room
1420 East 2850 South
Naples, Utah 84078

THIS IS A REGULARLY SCHEDULED PLANNING AND LAND USE MEETING

OPENING CEREMONIES

STANDING BUSINESS

- Verification of Full Quorum & Designation of Voting Members:

<u>Commissioner</u>	<u>Voting</u>	<u>Commissioner</u>	<u>Voting</u>
Chris Clark (Chairman)	Y N	Jacob Harrison	Y N
Andrew Bentley (Vice-Chairman)	Y N		
Scott Adams	Y N		
Jessy McKee	Y N		

- Approval of Agenda – September 16, 2021
- Disclosures
- Approval of Minutes – August 19, 2021
- Recognition of Amber Ray

PUBLIC HEARING

- CREATION OF 1B ZONE
 - Introduction * Public Hearing * Discussion * Action Item (Legislative)
- ADDITION OF PROVISIONS IN RA1, RA2, A1 ZONES FOR AGRICULTURAL LOT SPLITS
 - Introduction * Public Hearing * Discussion * Action Item (Legislative)

PLANNING/DISCUSSION

- Follow-Up on Request for Rezone – GKM Properties located at 1700 E 1500 S

ITEMS FOR FUTURE DISCUSSION

- Land Use Ordinance Changes

ADJOURN

The next Planning and Zoning meeting will tentatively be held on October 21, 2021.

All persons residing within the area served by City of Naples are HEREBY NOTIFIED that the Naples Planning and Zoning Commission will meet on the Tuesday following the second Thursday of each month at 7:30pm. All persons concerned with any matter before the Naples Planning and Zoning Commission are invited to attend. If possible, call to get on the agenda, 435-789-9090 NOTE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Land Use Administrator at 435-789-9090 at the Naples City Office, 1420 East 2850 South, Naples, Utah 84078 at least three days prior to the meeting.

**Naples Planning and Land Use
Public Meeting
August 19, 2021**

Commission Present: Chris Clark, Jessy McKee, Jacob Harrison, Scott Adams, Andrew Bentley

Commission Absent:

Others Present: Ken Reynolds, James Richards, Shane Mayberry, Stephanie Adams, Bret Stringham, Brandon Wilkins

Verification of full Quorum Chris Clark verified a full quorum. All commissioners will be voting in tonight's meeting.

Approval of Agenda

Andrew Bentley motions to approve the agenda for the August 19, 2021, with Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

Disclosures

None

Approval of Minutes

Jessy McKee asks for clarification on approving minutes. The recording of the meeting and typed minutes varies. Andrew Bentley states that they are approving the minutes, not the recording. In approving of minutes, there's a chance for clarification. Jessy McKee stated the minutes were a summary, not word-for-word, questions if it is possible to amend the minutes in the future. Nikki Kay states the minutes cannot be amended in the future. If there is something missing that was said, that the council agrees you can add, they can be added, approved, and made official. Commissioner Clark states Jessy McKee could table the approval of minutes, listen to the recording, and make recommendation to request changes. Jessy McKee states he would like to table the approval of minutes. Ken Reynolds questions if there is a time limit as to how soon they need to be officially adopted. Jessy McKee stated he will be appearing before City Council the following week to request approval. Jessy McKee stated he would cancel the request and approve minutes.

Jessy McKee motions to approve the July 15, 2021, minutes. Andrew Bentley seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

PUBLIC HEARING

James Richards Rezone RA1 to I1

Mr. Richards proposed the property located at 1661 East 1000 South be rezoned from RA1 to I1. Mr. Richards stated he will be building a storage facility. He will be purchasing approximately 2 acres from his family. Mr. Richards requests that the additional approx. 170 feet be rezoned industrial in order to have the entire piece of property zoned the same. Family trust owns the 27.59 acres surrounding property. An existing ordinance allows up to 100 feet within the adjoining zone. Mr. Bentley questioned if property can be rezoned without legally owning the property.

MOTION:

Scott Adams motions to open the public hearing. Andrew Bentley seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

Brett Stringham: Owns 15 acres east of proposed change. Opposed to rezoning for the reasoning of keeping industrial away.

Shane Mayberry: Concerned about industrial encroaching more than the 600 feet listed in the master plan and on to residential zoned. Mentioned property on 500 South Wireline property moving industrial activity over the entire lot. Mr. Mayberry mentioned he owned property Vernal City by Urgent Care that there was no rule to increase the land use beyond the zone. Chairman Clark mentioned the Wireline company owning the entire parcel utilizing their entire parcel, regardless of the master plan. Mr. Mayberry questioned Mr. Richards on where the 600 foot line is on the property. Mr. Richards stated that he owns the property where he will proceed with building, in accordance with the ordinance. Mr. Bentley questioned if there is a way to protect the 600 foot corridor, as listed on the master plan. Opposed to proposal.

Stephanie Adams: Stated the property is already family owned, the property to the north of the proposed change is existing residential. Mr. Richards is asking for 70 additional feet. Questions if the income will help Naples City. In favor of proposal.

Ken Reynolds: Traffic light will be installed in near future at the intersection to the west of proposed change. Mentioned he would like to see commercial increase on the south side of the road. Concerned about appearance of industrial zoned property.

Jim Richards: Mr. Richards stated that property tax will increase on change, which Naples City will receive a portion of. A good buffer to heavy industrial, not much traffic, and quiet. Stated the 6 foot site obscuring fence, will help hinder the appearance of storage facilities. Intends to do a professional job, as he has with this existing facility at 500 East 800 North in Vernal.

Brandon Wilkins: Stated he is the individual that lives nearest to proposed facility. Would like the facility to be nice, paved entrances to prevent tracking of mud, consideration of additional traffic.

MOTION:

Andrew Bentley motions to close the public hearing. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
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Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Commissioner McKee questioned the 600 foot industrial zone on master plan. Commissioner Bentley expressed he doesn't feel it appropriate to tell individuals what to do with their property. This particular use of land doesn't appear to be industrial in his mind. Chairman Clark addressed the master plan being brought up and industrial use abutting residential zoned property, feels as if leaving a strip unable to be used, is restrictive as local government. Commissioner Harrison mentioned that he lives in the last house in the cul-de-sac in Sunstone. His understanding was that there was to be no more residential development that could occur unless there was another outlet to 1000 South or the highway. Commissioner Bentley questioned if there is an option to complete this as conditional use. Chairman Clark states that the change is not changing the ordinance with the 100 foot buffer. This is not in the middle of residential, we would just be extending the line so it will match the surrounding uses. Commissioner Harrison questioned if this would be setting a precedent for additional industrial purposes. Chairman Clark stated that it would fall back on the zone ordinance. Future rezone will have to come before the Planning Commission.

MOTION:

Scott Adams motions to approve the changes to zone RA1 to I1 and send to city council. Jacob Harrison seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Review Site Plan Application for Richards Self-Storage Facility.

Mr. Richards proposed five phases. First phase is to setup one building. And build one building per year over a five year period. Paved driveways, building set on concrete pad, 30 foot wide driveways. 10x20 units, 10x15 units, 5x10 units on ends. Concept is approved, Mr. Richards is waiting on the approval for rezone with City Council. Not to preliminary review stage yet. Mr. Richards does not have the documentation for the preliminary review. Mr. Richards stated he will not proceed with the preliminary review phase until City Council has approved rezone. Site plan approval is still needed. Chairman Clark stated landscaping ordinances on industrial development, fence screening, finishing on metal buildings.

Introduction of Planning Technician

Chairman Clark introduced Gwen Harrison as new Naples City Planning Technician.

ITEMS FOR FUTURE DISCUSSION

No items for future discussion.

ADJOURN

Jessy McKee motions to adjourn, Scott Adams seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Jacob Harrison	Aye
Scott Adams	Aye
Andrew Bentley	Aye

Motion carried with all voting Aye. None opposed.

The next Planning and Zoning meeting will tentatively be held September 16, 2021, in the Naples City Council Chambers @ 7:30 P.M.



Item No. _____

MEMO TO: Planning Commission FROM: Staff	Subject: Zone 1B Creation
Staff Recommendation:	Date: 6/9/2021
Background: While working on the rezone in Pheasant Run Subdivision, it was determined by the Planning Commission to create a zone that is a middle ground between R1 and R2, which is similar to the developer's agreement. Staff created a zone 1B to match what is currently in the Pheasant Run Subdivision. This would allow for 9,000 sq ft lots with 86 feet of frontage and no multifamily dwellings.	
Options: --Bring back for a public hearing -Reject the proposed changes and make no changes	

CHAPTER 02-25 RESIDENTIAL ZONE R-1B

Section 02-25-001	Objectives and Characteristics of Zone
Section 02-23-002	Use Requirements
Section 02-23-003	Conditional Uses
Section 02-23-004	Area Requirements
Section 02-23-005	Width Requirements
Section 02-23-006	Location Requirements
Section 02-23-007	Height Requirements
Section 02-23-008	Special Provisions

02-25-001 OBJECTIVES AND CHARACTERISTICS OF ZONE

The R-1B Residential Zone has been established as a zone for family residential purposes. Attractive lawns, trees, shrubs, both on the street and around the buildings, is also characteristic of this zone.

In order to accomplish the objectives and purposes of this ordinance, and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the R-1B Residential Zone:

02-25-002 PERMITTED USES

The following buildings, structures, and uses of land shall be permitted, upon compliance with the requirements set forth in this ordinance:

Any use permitted in the R-1 Residential Zone.

02-25-004 MINIMUM AREA REQUIREMENTS

Single-family dwellings – 9,000 square feet

02-25-005 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width, measured along the front setback line, shall be 86 feet.

02-25-006 LOCATION REQUIREMENTS

MINIMUM SETBACKS FROM ROAD RIGHT-OF-WAY LINES:

1. Main buildings on INTERIOR LOTS:

Front: 30 feet

Side: 8 feet (20 feet minimum for both sides combined)

Rear: 30 feet

2. Main buildings on CORNER LOTS:

Front: 30 feet

Side: 20 feet on street-side, and 8 feet on interior side

Rear: 30 feet

3. Main buildings on CUL-DE-SAC LOTS:

Front: 30 feet measured perpendicular to a straight line between the front lot corners, and no less than 25 feet from the turn-around or cul-de-sac right-of-way.

Side: 8 feet

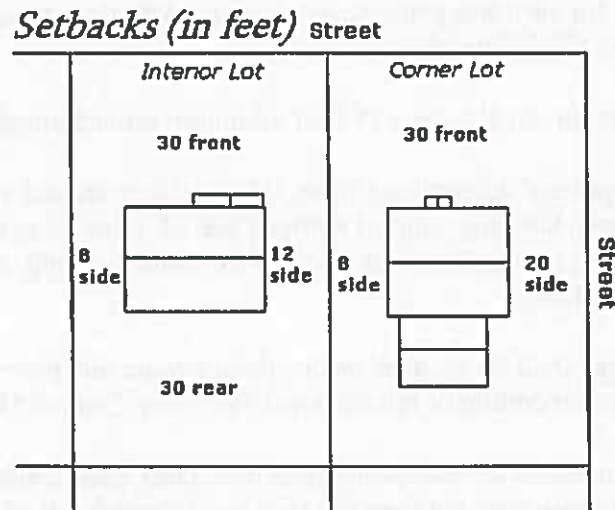
Rear: 30 feet measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 8 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 20 feet.

4. Accessory buildings:

Front: 30 feet

Side: Same as main building, unless the accessory building is 5 feet behind the main building, then the side setback is 5 feet.

Rear: 5 feet



02-25-007 HEIGHT REQUIREMENTS

Minimum None

Maximum – Thirty-five feet from grade to crown, except churches and schools. For buildings within 1,320 feet of airport property, the building plans shall be approved by the Federal Aviation Administration prior to issuance of a building permit.

02-25-008 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice. Only twenty-five percent (25%) of the required front yard setback space shall be used for automobile parking, and the rest shall be landscaped and maintained with lawn, trees, shrubs, or group cover.
2. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.
3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as open space and shall be kept free from refuse and debris.
4. All residential dwellings shall be connected to a public sewer system.
5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.
6. Produce gardens shall have a 15-foot minimum setback measured from the curb.
7. For the purpose of determining front, side, and rear setback requirements, any part of the separate building situated within 5 feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.
8. All dwellings shall be supplied with culinary water and plumbed in accordance with the current edition of International Plumbing Code in Utah.
9. All new residential developments shall have curb, gutter, sidewalk, and maintained green strip between the curb and sidewalk, all of which adhere to UDOT and ADA standards.



Item No. _____

MEMO TO: Planning Commission		Subject: RA1, RA2, A1 Agricultural Lot Splits
FROM: Staff		
Staff Recommendation: Approve the changes made and bring back for a public hearing.		Date: 9/14/2021
Background: Staff found a state code that allows for an agricultural lot split, but we need the wording in our ordinance. Staff suggests adding the wording from State Code 10-9a-605 into our ordinance in the agricultural zones, RA1, RA2 and A1.		
Options: -Bring back for a public hearing -Reject the proposed changes and make no changes		

CHAPTER 02-22 RESIDENTIAL-AGRICULTURAL ZONE RA-1

02-22-008 SPECIAL PROVISIONS

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F. A lot or parcel resulting from a division of agricultural land is exempt from plat requirements if the lot or parcel is not used and will not be used for any nonagricultural purpose, in accordance with State Code 10-9a-605.

CHAPTER 02-23 RESIDENTIAL/AGRICULTURAL ZONE RA-2

02-23-008 SPECIAL PROVISIONS

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11. A lot or parcel resulting from a division of agricultural land is exempt from plat requirements if the lot or parcel is not used and will not be used for any nonagricultural purpose, in accordance with State Code 10-9a-605.

CHAPTER 02-21 AGRICULTURAL ZONE A-1

02-21-002 PERMITTED USES

A lot or parcel resulting from a division of agricultural land is exempt from plat requirements if the lot or parcel is not used and will not be used for any nonagricultural purpose, in accordance with State Code 10-9a-605.

Effective 5/12/2020

10-9a-605 Exemptions from plat requirement.

- (1) Notwithstanding any other provision of law, a plat is not required if:
 - (a) a municipality establishes a process to approve an administrative land use decision for a subdivision of 10 or fewer lots without a plat; and
 - (b) the municipality provides in writing that:
 - (i) the municipality has provided notice as required by ordinance; and
 - (ii) the proposed subdivision:
 - (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;
 - (B) has been approved by the culinary water authority and the sanitary sewer authority;
 - (C) is located in a zoned area; and
 - (D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (2)
 - (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:
 - (i) qualifies as land in agricultural use under Section 59-2-502;
 - (ii) meets the minimum size requirement of applicable land use ordinances; and
 - (iii) is not used and will not be used for any nonagricultural purpose.
 - (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
 - (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the lot or parcel to comply with the requirements of Section 10-9a-603.
- (3)
 - (a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
 - (b) The absence of the certificate or written approval required by Subsection (1) does not:
 - (i) prohibit the county recorder from recording a document; or
 - (ii) affect the validity of a recorded document.
 - (c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.

Amended by Chapter 434, 2020 General Session



Item No. _____

MEMO TO: Planning Commission		Subject:
FROM: Staff		Request for Rezone – GKM Properties located at 1700 E 1500 S
Staff Recommendation:		Date: 6/23/2021
Background: <p>GKM Properties is requesting a rezone from RA1 to I1 located at 1700 E 1500 S. This is a legislative decision made by the Planning Commission and sent to City Council for approval or denial.</p> <p>The office building was built in 1996 and another building was built in 2002. They have not used the building for several years.</p> <p>Attached are pictures of the location and zoning for the area around the property requesting the rezone.</p>		
Options: <ul style="list-style-type: none">-Approve the rezone and send to City Council.-Reject the rezone and make no changes.		

Naples City

Energy • Recreation • Family

Application Request for a Re-Zone

Note: All information requested on this application must be completed in full before any action will be taken.

Name: <u>GKM Properties LLC</u>	Date Received: _____
Current Zone: <u>RA2</u>	Requested Zone: <u>IND</u>
Address: _____	Phone #: <u>435-828-8606</u>
Email Address: _____	Fax #: _____
Property Address: <u>1700 E 1500 S</u>	Parcel #: <u>051.321.0122</u>

While zoning helps to exclude nuisances which tend to create blight, it is not used solely as a means of nuisance control. Zoning seeks to preserve the planned character of a neighborhood by controlling and/or preserving aesthetic qualities, conserving and promoting health, safety, morals, convenience and general welfare of the City.

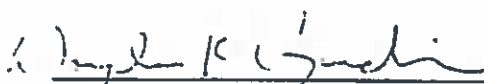
In order to request a re-zone, the following steps must be taken:

1. Submit to the Planning and Zoning Commission this application for re-zone, including the following:
 - a. A base fee of \$250 must be submitted with the application. Plus \$75 + \$5 per 10 notice letters if a Public Hearing is called.
 - b. State the reason for your request. What changed or changing conditions make your requested change in the zoning map necessary and how the change supports the Naples City General Plan.
2. The Planning and Zoning Commission may schedule a public hearing independent of the City Council, or a joint hearing with the City Council, regarding proposed zoning change.
3. The proposed change will be reviewed in accordance with the General Plan.

Notice will be published at least 14 days prior to the public hearing and notice will be mailed to the property owners located within 500 feet of the proposed change. Following the hearing, the Planning and Zoning Commission will submit its recommendation to the City Council. The City Council will hold a second meeting and make a determination to approve or disapprove the re-zone.

Note: This process could take up to four months.

I, as an applicant to the Planning and Zoning Commission of Naples City, Utah, do hereby certify that all information listed on this application is true and do hereby acknowledge that any misrepresentation will result in the revocation of approval granted. I do hereby apply to the Planning and Zoning Commission for a re-zone.


Signature of applicant

6/2/21
Date

Real Property Owner Information

Tax History	Prior Serial #	Document Information	Plat
Year: 2020	Serial No: 05:132:0122	Acct No: 111049	Tax Dist: 14

Owner Information

GKM PROPERTIES LLC

Careof:

Mailing 85 S 200 E

Address: VERNAL, UT 84078

Property Information

Property 1700 E 1500 S

Address: NAPLES

Property Type: INDUSTRIAL

Acres: 3.18

Zoning: RA1 (Zoning information is provided for convenience only. Official zoning is available through the Uintah County Community Development Department.)

Improvements

The year built and square footage may not reflect any remodeling or additions.

Structure	Built	Area
Office Building	1996	610
Indust Light Mfg	2002	12166
Shed - Equipment	1990	1471

Disclaimer

The Assessor's Office shall not be liable for errors contained herein or for damages in connection with the use of the information contained herein. Year built of residential and commercial improvements as well as square feet contained in these improvements may be estimated when not available. Every effort has been made to ensure accuracy of the information contained on this page.

Taxing Description

(do not use for legal documents)

LOT 19 AND THAT PART OF LOT 20 OF THE BROOKLAND SUBDIVISION LOCATED IN THE NW/4 OF SEC 31, T4S, R22E, SLB&M, DESC AS: BEG AT THE SW COR OF SD LOT 20; TH N 262.79 FT ALG THE W LN OF SD LOT 20; TH N 89°58'44"E 195.00 FT; TH N 30.00 FT; TH N 89°58'37"E 5.00 FT; TH S 292.80 FT ALG THE E LN OF SD LOT 20, TH S 89°59'00"W 200.00 FT ALG THE S LN OF SD LOT 20 TO POB. ALSO, BEG AT THE NE COR OF SD LOT 19, TH S 89°59'00"W ALG THE N LN OF SD LOT 19, 93.30 FT; TH N 0°01'55"E 19.11 TO THE SOUTHERN BNDY OF 1200 SOUTH ST; TH N 88°11'06"E ALG THE SD STREET BNDY 93.34 FT; TH S 22.07 FT TO THE POB. CONT 3.18 ACRES, M/L.

